

### REMARKS

Claims 1-26 are pending and stand rejected. Claims 3,9, 10, 11, 14, 15, and 23-25 have been amended to improve clarity. New claims 27 and 28 have been added. The amended and new claims do not add new matter and are supported by the original specification.

Reconsideration of the present application is respectfully requested in light of the amendments and remarks given below.

#### **Rejection of claims 1-5 under 35 U.S.C § 103(a) over Fogelman in view of Crowell**

Claims 1-5<sup>1</sup> are pending and stand rejected under 35 U.S.C. 103(a) over U.S. Patent 4,440,457 (“Fogelman”) in view of U.S. Patent 6,357,718 (“Crowell”).

Applicant’s claim 1 recites:

1. (Original) An adjustable monitor support comprising:  
a support structure configured to support a monitor; and  
a plurality of **jack screw assemblies configured to adjustably secure the monitor to the support structure.**

Fogelman generally describes an electronic video game cabinet with a removable video monitor mounting panel. The Office Action concedes that Fogelman does not specify the use of jack screw assemblies to secure a monitor to the support structure. The Office Action suggests a combination with Crowell to correct the deficiencies of Fogelman, stating “it would have been obvious to one skilled in the art at the time the invention was made to utilize the jackscrew assembly, as disclosed in Crowell, to secure the monitor to the support structure as disclosed in Fogelman in order to allow for the proper positioning and alignment of the monitor.” Applicant disagrees with the rejection, (1) because the proposed combination does not teach or suggest all

---

<sup>1</sup> Applicant respectfully notes that no statutory basis for rejection was provided for claims 6-12, or 14-26. Accordingly a full and complete response to the Office Action is not possible. Applicant has attempted to reply to all the issues discussed in the Office Action to the extent they are understood. To preserve Applicant’s right to respond fully, a new non-final Office Action is requested under MPEP 710.06.

the features of Applicant's claim 1, (2) because the combination of Crowell and Fogelman would be made by an ordinary artisan, and also (3) because the combination would be inoperative.

First, nothing in Fogelman or Crowell teach or suggest that jack screws should be used to adjustably secure a monitor to a support structure.

Fogelman's video monitor is fixedly mounted to a mounting board in a known position at a known desired angle. Fogelman does not describe in detail how the monitor is secured to the mounting frame, but the monitor appears to be fixedly mounted using a bracket. However, Fogelman does explain that the *mounting frame* is adjustable and removable, rather than the *monitor* (Fogelman, Col. 3, Lines 50-52). An ordinary artisan, practicing common sense, would not add jack screws to Fogelman's device because Fogelman's device is *already adjustable* by moving the mounting board. Accordingly, the combination of Fogelman and Crowell does not render Applicant's claim 1 obvious, because an ordinary artisan has no reason to make the proposed combination.

Moreover, the proposed combination of Fogelman and Crowell does not render Applicant's claim 1 obvious because the jackscrew assembly disclosed in Crowell would not be operative in Fogelman's terminal.. Examining the drawings of Fogelman, shows that the monitor is position tightly fitted to the mounting plate and directly behind the glass. Thus it is unclear how the jackscrews could be accessed, or that the monitor would adjustable even were Crowell's jackscrews included. Thus, Applicant submits that the proposed combination is inoperative, without a complete re-design of Fogelman's terminal. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. MPEP 2243.01 (citing *In re Ratti*, 270 F.2d 810 (CCPA 1959)).

Claims 2-5 all depend directly or indirectly from claim 1 and should be allowable for at least the same reasons as claim 1.

Separately and independently, the Office Action states, “Crowell further discloses that the plurality of jack screw assemblies include: a jack stud configured to be fixedly inserted into a hole in the support structure, a jack screw configured to be threaded onto the jack stud, and a nut configured to be threaded onto the screw.” However, claim 2 recites:

2. (Original) The adjustable monitor support of claim 1, wherein each of the plurality of jack screw assemblies includes:
  - a jack stud configured to be fixedly inserted into a hole in the support structure;
  - a jack screw configured to be threaded onto the jack stud; and
  - a nut configured to be threaded onto the jack screw.

Though Crowell’s jackscrew assembly describes a jam nut configured to be threaded onto the jack screw (Col. 3, Lines 5-7, 21-23), it does not disclose “a jack stud configured to be fixedly inserted into a hole in the support structure.” There is no mention of a jack stud, as Crowell’s assembly depicts an expanding collet (Col. 2, Lines 49-50) configured to be inserted into a hole in a machine base rather than the use of a jack stud. (Col. 3, Lines 35-43). Accordingly, Applicant respectfully submits that neither Fogelman nor Crowell, alone or in combination, provide all the features of Applicant claim 2, and therefore do not render claim 2 obvious..

Separately and independently, claim 3 recites:

3. (Original) The adjustable monitor support of claim 2, wherein the monitor includes a retainer, having an aperture, configured to be disposed on the jack screw.

Regarding claims 3, the Office Action states that “Fogelman further discloses that the monitor includes a retainer, having an aperture, configured to be disposed on the jack screw” and references Figure 6, 28 of Fogelman as illustrating these features. Applicant respectfully submits

that Fogelman does not disclose these features. Fogelman's Figure 6, 28 generally describes a "mounting frame" for the monitor. There is no mention or suggestion in Fogelman describing how the video game monitor is mounted in the mounting frame – although it appears that there may be through some sort of bracket – and no evidence to suggest that the mounting be accomplished via a retainer-aperture-jackscrew combination. To the contrary, the mounting board does not appear to be positioned in a place where the bracket and associated attachments could be adjusted. Accordingly, Applicant respectfully requests a withdrawal of the rejection of Applicant's claims 3.

Independent claim 6 includes features similar to claim 1 and should be allowable for similar reasons as those discussed above for claim 1. Claim 7-13 depends from claim 6 and should be allowable for at least the same reasons. Moreover, claim 7 recites the jack stud feature discussed above with respect to claim 2, and therefore should be allowable for reasons similar to those discussed above for claim 2. Claim 8 should be allowable for reasons similar to those discussed above for claim 3.

Separately and independently regarding claims 10-12, claim 10 recite the jack screw is configured to be rotated until the monitor is positioned within a predetermined distance of the front door of the gaming terminal, the front door having an aperture through which the monitor is visible. Claims 11 and 12 depend from claim 10. Neither Crowell nor Fogelman teach a front door of the gaming terminal where the monitor is visible through an aperture. These claims should therefore be allowable because this feature is not taught by either reference, alone or in combination. All the other claims discussing adjustment relative to a door should also be allowable for similar reasons.

Moreover, the Office Action concedes “Although Fogelman and Crowell do not specifically disclose where to position the monitor, the position of the monitor is an obvious matter of design choice, as is the pitch of the jackscrew, as it would have been obvious at the time of the invention to utilize jackscrews with different pitches in order to vary the precision of the jackscrews and thereby varying the precision of the positioning of the monitor.” The Office fails to cite any legal authority to support its design choice rejection and seems to be applying a per se rule to reject the claims under obviousness. *See In re Brouwer*, 77 F.3d 422, 425-26 (Fed. Cir. 1996); *In re Ochiaia*, 71 F.3d 1565, 1572 (Fed. Cir. 1995). The Federal Circuit has held that the claimed invention as a whole must be evaluated under the standards set down in *Graham v. John Deere Co.* and that the use of a per se rule is improper in making an obviousness rejection. *See KSR International Co. v. Teleflex Inc.* (mandating a flexible approach to obviousness rejections). Applicant respectfully submits that the Office rejection of claims 10-12 and 23-26 using a per se rule is an improper, “rigid” approach to an obviousness rejection in view of *KSR*. Additionally, claims 10-12 (and 23-26) were rejected by the reasoning that “placement of the monitor in relation to a predetermined position of the monitor and the front door of the gaming terminal, when the front door of the gaming terminal is in a closed position” is a “design choice.” Applicant respectfully submits that “design choice” is not a proper ground for rejection under 35 U.S.C. § 103(a).

Moreover, even if “design choice” were a proper grounds for rejection, the adjustable jack screws in the claimed embodiments may provide a number of advantages that are discussed in the specification of the present application, e.g., facilitating adjustment of the monitor to close the gaps between the door and the monitor, which allow dust and contaminants to enter the gaming terminal or otherwise might allow tampering with the inner workings of the terminal.

Accordingly, because of these advantages, Applicant respectfully submits that the features claimed in claims 10-12 are not mere “design choice”.

Claim 14 as amended recites that the screw means is configured to allow the position of the monitor relative to an aperture in a door to be adjusted. As discussed above for claims 10-12, this feature is present in neither Fogelman, Crowell, nor their proposed combination. Accordingly claim 14 should be allowable.

Claim 15, 16, and 20 should be allowable for reasons similar to claims 1 and 6. Claims 17-19 depend from claim 16 and claims 21-26 depend from claim 20 and therefore should be allowable for at least the same reasons as their parent claims. Separately and independently, claims 24 and 25, which recite adjustment relative to a game cabinet door should be allowable for reasons similar to those claims discussed previously that recite similar features.

**Rejection of claim 13 under 35 U.S.C. § 103(a) over Fogelman in view of Crowell as applied to claims 6-7 and further in view of Koza**

Applicant’s claim 13 is rejected under 35 U.S.C. § 103(a) over U.S. Patent 4,440,457 (“Fogelman”) in view of U.S. Patent 6,357,718 (“Crowell”) as applied to claims 6-7 above, and further in view of U.S. Patent 4,652,998 (“Koza”).

Applicant’s claim 13 recites:

13. (Original) The gaming terminal of claim 7, further comprising:  
a processor, a printing device, and a currency distributing and collecting device  
disposed in the housing.

Applicant’s claim 13 directly depends on claim 7 and indirectly depends on claim 6 and should be allowable for at least the reasons that claims 6 and 7 are allowable. The addition of Koza does not, and is not purported to, correct the deficiencies of Fogelman-Crowell.

Furthermore, regarding claim 13, the Office Action concedes that “neither Fogelman nor Crowell disclose a processor or a printing device.” However, the Office Action proposes Koza as a reference that supplies these missing features of Fogelman-Crowell, stating: “It would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Koza into the combined teachings of Fogelman and Crowell in order to yield the predictable result of facilitating the usage of the game terminal and allowing printing from the game terminal.” To the extent that the Office is taking Official Notice, Applicant traverses this assertion and, in accordance with 37 C.F.R. 1.104(d)(2) and to preserve Applicant’s argument on appeal, the Applicant respectfully requests that the Examiner provide an affidavit that supports the rejection of claim 13 based on the common knowledge of the Examiner. *See* MPEP 2144.03.

#### **New Claims 27 and 28**

New claims 27 and 28 depend from claims 6 and 5 respectively, and therefore should be allowable for at least the same reasons as their respective parent claims. In addition, claim 28 recites the jack screw is configured to allow the relative position between the monitor and an aperture in the door to be adjusted, a feature not found in the cited art of record.

**CONCLUSION**

All issues raised in the Office Action are believed to have been addressed. In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Commissioner is authorized to charge any fee arising in connection with the filing of this paper, including any necessary extension of time, to the deposit account of **K&L Gates LLP**, Deposit Account No. **0080570**. The Examiner is cordially invited to telephone the undersigned if any issue or question arises with respect to the present application.

Respectfully submitted

Date: Aug. 14, 2008

By: 

Andrew L. Reibman  
Reg. No. 47,893

K&L Gates LLP  
599 Lexington Avenue  
New York, N.Y. 10022  
(212) 536-3900 (telephone)  
(212) 536-3901 (facsimile)  
**CUSTOMER NO. 00545**